

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

CNG AUTO GROUP, INC. d/b/a TOP  
WHEELS; ELONTO R. HERNANDEZ COLON;  
and JULISSA M. FUENTES RIVERA,

Defendants.

CIVIL NO. 15-1824 (JAG) (CVR)

Breach of Contract,  
Collection of Monies,  
Repossession of Personal Property

**DECLARATION UNDER PENALTY OF PERJURY  
OF JOSE A. VELAZQUEZ ORTIZ**

I, José A. Velázquez Ortiz, of legal age, married, and resident of Bayamón, Puerto Rico, hereby state and declare under penalty of perjury the following:

1. I am a process server who has attempted to serve Defendants Elonto Hernández, Julissa Fuentes and CNG Auto Group, Inc. d/b/a Top Wheels on several occasions since August 14, 2015. As such, I have knowledge to declare the following:

2. Defendants Elonto Hernández and Julissa Fuentes were not present at the Top Wheels dealer on August 14<sup>th</sup> (when the replevin was carried out) and at no point did they appear at the dealer during the repossession.

3. Defendants' attorney, Mr. Manuel Morales Schmidt, did not appear at the Top Wheels dealer on August 14<sup>th</sup>, but I spoke with him by phone. At that time, Mr. Morales-Schmidt told me that he didn't have authorization from his clients to receive service of process on their behalf.

4. I was unable to serve Defendant CNG Auto Group, Inc. with process on August 14<sup>th</sup> because there was no corporate officer or representative present at the dealer that was authorized to receive service on behalf of the corporation.

5. On August 14<sup>th</sup>, I went to Defendants' last known residential address to attempt service after the replevin, but was told by a security guard that neither Elonto Hernández nor Julissa Fuentes were listed as residents there.

6. I then investigated and was able to obtain Defendants' current address.

7. I went to Defendants' house on August 14<sup>th</sup> on or about 2:00 p.m. A security guard confirmed that Elonto Hernández and Julissa Fuentes live there, but no one answered the door.

8. On August 17<sup>th</sup>, I returned to the dealer around 2:30 p.m. Again, Defendants were not there, but their secretary, Ivette Martínez, called them and she told me that I should serve Defendants through attorney Morales-Schmidt.

9. I then called Defendants' attorney on 2 occasions between August 17<sup>th</sup> and August 25<sup>th</sup> but he did not answer, so I left him voice messages.

10. On August 25<sup>th</sup>, I finally made contact by phone with attorney Morales-Schmidt. Mr. Morales-Schmidt told me that he was waiting to obtain authorization from his clients to receive service of process on their behalf.

11. I never heard back from attorney Morales-Schmidt regarding said authorization.

12. I returned to the dealer on September 22 around 1:30 p.m., but it was closed.

13. I also returned to Defendants' residence on September 22 around 1:40 p.m. but, again, no one answered the door.

**STATEMENT PURSUANT TO 28 U.S.C. § 1746(2)**

I, José A. Velázquez Ortiz certify under penalty of perjury that the foregoing declaration is true and correct.

Executed in San Juan, Puerto Rico, this 13th of October, 2015.



JOSE A. VELAZQUEZ ORTIZ